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SO WHERE'S THE JUSTICE

by Mike Cowdery

ONE OF THE MOST BADLY ABUSED prerogatives on the face of the earth is the power of prosecuting attorneys to arbitrarily decide whom they will prosecute. This is known as *prosecutorial discretion*, and allows prosecuting attorneys to prosecute their enemies and protect their friends. This is the system of justice which allows the prosecutor to plea-bargain his pals down to a lesser crime than the one they committed, or to refuse to authorize a warrant for their arrest.

This is a common problem in many Upper Peninsula counties, and probably throughout the state, if not across the nation.

About six weeks ago Lake Superior Lodge No. 159 of the Fraternal Order of Police wrote a letter to Houghton County Prosecuting Attorney Sterling Schrock, asking him to consider resigning his post, and charging him with failure to take cases to court and excessive use of plea bargaining. The letter said that Schrock's resignation might "again bring law enforcement back to Houghton County and its citizens."

Schrock responded on March 9, 1977, saying, "There are no specific references made with respect to failure to take cases to court, and consequently it is rather difficult to knowledgeably reply to such remarks."

A CASE THAT NEVER GOT TO COURT

IT WAS FIVE YEARS AGO this week, on April 24, 1972, that a 15 year old boy, ██████ said he was picked up and sexually molested in Houghton County. He reported the incident to the Houghton County Sheriff's Department and has been waiting for justice ever since.

"I'm still waiting," ██████ said in a recent telephone interview.

██████ and his mother both signed complaints, but Prosecutor Schrock never authorized a warrant. Why not? Once when asked that question he said that he wasn't sure why he hadn't authorized a warrant, and several times replied that he had lost his file on the case.

Perhaps one of the reasons Schrock hesitated to prosecute that case was that the man ██████ accused of sexually molesting him was the influential Prosecuting Attorney Alan Briggs of neighboring Ontonagon County.

After waiting for several weeks for Schrock to make a decision on the Briggs case, Sheriff Witanen and Lt. Rob-

ert Raffaelli of Houghton went to Ontonagon and questioned Briggs about the accusation.

"As he read the report his hands started to shake and his voice became very quivery," Raffaelli said. "We explained a little bit of what the situation was and we told him to contact the Prosecuting Attorney in Houghton County."

Schrock told the Pick & Axe that Briggs had never contacted him, to the best of his recollection. Briggs told the Pick & Axe that he had never heard of the matter.

Meanwhile the Houghton County Sheriff's Dept. built up a file on the matter, and on June 29, 1972, John A. Wilson of the office of the Attorney General of the State of Michigan discussed the complaint with Detective Lt. Schwartzkopf of the State Police, and decided that the 15 year old boy should submit to a lie detector test. According to Briggs, he was never asked to submit to such a test. The 15 year old ██████ took the test, however, and on the report of that polygraph examination, Detective Sgt. Lowell Willet of the State Police stated:

Upon analysis of the polygraph examination of ██████ it is the opinion of the undersigned examiner that ██████ does not show any deception to the pertinent test questions and is therefore being truthful when he claims Al Briggs took indecent liberties with him.

This, along with other evidence, immediately convinced Schrock to issue a warrant for such a heinous crime? Not on your life! Schrock was too busy prosecuting children for their pranks to take on a hot-shot lawyer who could actually fight back.

Schrock is the subject of a recall campaign soon to be launched by irate Houghton County citizens who agree with the complaints expressed by the Fraternal Order of Police in their March 8 letter.

"He got the letter six weeks ago," one Houghton County resident said, "and nothing's changed."

But when you're dealing with prosecutors such as Sterling Schrock, you come to expect changes slowly, if ever. After all, isn't that what prosecutorial discretion is really all about?

The Pick & Axe is interested in crimes which have been reported but not prosecuted, wherever you live. We are also interested in special treatment shown by prosecuting attorneys to their friends. All information will be kept in confidence. Write the Pick & Axe, Bessemer, MI 49911.

WANTS PART-TIME JOB

WASHINGTON — Sen. Howard Baker has suggested that the United States Senate should meet only 6 or 7 months of the year, and, of course, that their pay be cut accordingly. That way the Great Men could justify keeping their outside incomes, as they would have to support themselves. They would also spend more time back home with their constituents, and would stand a better chance of finding out what's really happening. Baker says he envisions a citizen legislature, closer to the problems of the land, and less exposed to the temptations of Washington. He says another possible advantage of the system would be to cut down on the number of laws enacted each year. Dream on, Howard. . .

CURB SERVICE

According to the current issue of *The Progressive*, the Point Coupee Funeral Home in New Roads, Louisiana, operates a drive-up facility so mourners can pay their last respects from behind the wheel.

NUCLEAR POWER?

ASHLAND — A public debate on nuclear power will be held in the Alford Theatre at Northland College on Thursday, April 28, at 7 p.m. The debate will consist of a panel presentation by six individuals on both sides of the nuclear power issue, followed by questions from the audience.

Featured panelists will include Secretary of State Douglas LaFollette, an outspoken opponent of nuclear power, as well as members of citizens groups organized in Wisconsin to oppose nuclear power. Pro-nuclear power forces will include representatives from area power companies.

FIRE STILL BURNS

AN ENGINEER was fixing a bell outside a house. Mulla Nasrudin came by, stopped and said: "What is that thing?"

"Fire alarm."

"I've seen them before — they don't work," said Mulla.

"What do you mean?"

"The bell rings, but the fire burns just the same."

— Idries Shah

KINDA SCARED

JUST BECAUSE YOU'RE SIX FEET TALL doesn't mean you can't get lost — particularly in the thick wilderness north of Marenisco. Bruce Cox and Bruce Davey went hiking in that part of the country last Sunday, in search of abandoned settlements, old bottles, and other antiquities. When they didn't come home that night their families got worried and contacted the state police.

Troopers soon located the 1969 Pontiac which had transported the two Wakefield men to their point-of-departure, about 3 miles off the nearest main road, but they were unable to locate Cox and Davey.

The following afternoon the two Bruces found their way out of the woods, after having spent the night in a rude lean-to built of balsam boughs.

"It was a little scary," Bruce Cox admitted after the ordeal was over.

RECALL GOES FORWARD

HOUGHTON — Councilman Richard Mastrella and Mayor William Maccani, both of Bessemer, will face recall election as scheduled, according to Judge Condon. The Bessemer officials had petitioned for a declaratory judgment to determine (1) if the elections should be held at large or by the ward, (2) the legality of the general charges that had been filed against them, (3) the validity of the petitions, and (4) problems which might be raised by election officials' failure to process the petitions properly.

Condon ruled that the elections should be held by the ward, that the general charges were sufficient, that the petitions were valid in spite of several signatures which had been improperly affixed, and that improper processing of the petitions would have no significant impact on the recall effort.

Condon did not address the question as to how the two men will be replaced if they are successfully recalled. Nor did he address the problem of how to replace decess-

ed Councilman Charles Eppolite.

The city attorney, Anders Tingstad, said in a letter to Attorney General Frank Kelley that he felt Eppolite should be replaced at large, but the city is waiting for a response from Kelley.

Tingstad, who also sits on the city's election commission, by virtue of his city attorney position, apparently did not know of the existence of such an election commission, as he never brought it to the attention of the city council. The election commission could possibly have resolved the Eppolite replacement controversy 3 months ago and thus spared the city its problems brought on by the 2-2 deadlock in council chambers.

As the matter now stands with a deadlocked council, the city attorney calls the shots on many important issues.

"It's the only place I've ever seen," one city employee said, "where one joker beats two pair."